

1
2
3 BILL NO. G-85-*10-18*

4 GENERAL ORDINANCE NO. G-~~85~~ *28-85*

5 AN ORDINANCE amending the Thoroughfare Plan
6 of the City Comprehensive ("Master") Plan
7 by vacating a portion of a street.

8 WHEREAS, a petition to vacate a portion of a
9 public street within the City of Fort Wayne (as more specifi-
10 cally described below) was duly filed with the City Plan
Commission; and,

11 WHEREAS, said Commission duly held a public hearing
12 thereon; and,

13 WHEREAS, said Commission has duly forwarded its
14 recommendation to this body approving said petition, all
15 in accordance with I.C. 36-7-4-512(2) and this body having
16 held a public hearing on said vacation as provided in
17 I.C. 36-7-3-12; and,

18 WHEREAS, this body concurs in the recommendation
19 of the City Planning Commission.

20 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL
21 OF THE CITY OF FORT WAYNE, INDIANA:

22 SECTION 1. That the petition filed herein to
23 vacate a public alley within the City of Fort Wayne, more
24 specifically described as follows, to-wit:

25 Yale Drive lying west of the west right-of way
26 line of Stanford Avenue and between Lots #261
27 and #262 in Cambridge Hills Addition as recorded
in Plat Book 13, page 61 in the Office of the
Recorder of Allen County, Indiana

28 and which vacating amends the Thoroughfare Plan of the

1 City Comprehensive ("Master") Plan and is hereby approved
2 in all respects.

3 SECTION 2. That this Ordinance shall be in full
4 force and effect from and after its passage, any and all
5 necessary approval by the Mayor.

6

7

8 _____
9 *Marta S. Reed*
10 _____
11 Councilmember

12 _____
13 APPROVED AS TO FORM AND LEGALITY:
14 _____
15 *Boeck*
16 _____
17 BRUCE O. BOXBERGER, CITY ATTORNEY

18 _____
19 ** Public hearing to be held on _____, the _____
20 day of _____, 1985, in the Council Chambers.
21

22 _____
23 Sandra E. Kennedy, City Clerk
24

Read the first time in full and on motion by Pedde,
seconded by Zelous, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock _____ M., E.

DATE: 10-8-85

Sandra F. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Pedde,
seconded by Zelous, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	—	—	—	—
<u>BRADBURY</u>	<u>✓</u>	—	—	—	—
<u>BURNS</u>	<u>✓</u>	—	—	—	—
<u>EISBART</u>	<u>✓</u>	—	—	—	—
<u>GiaQUINTA</u>	<u>✓</u>	—	—	—	—
<u>HENRY</u>	<u>✓</u>	—	—	—	—
<u>REDD</u>	<u>✓</u>	—	—	—	—
<u>SCHMIDT</u>	<u>✓</u>	—	—	—	—
<u>STIER</u>	<u>✓</u>	—	—	—	—
<u>TALARICO</u>	<u>✓</u>	—	—	—	—

DATE: 11-26-85

Sandra F. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. P-28-85.
on the 26th day of November, 1985.

ATTEST:
Sandra F. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 27th day of November, 1985,
at the hour of 1:00 o'clock P. M., E.S.T.

Sandra F. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 5th day of December
1985, at the hour of 3:30 o'clock P. M., E.S.T.

Win Moses Jr.
WIN MOSES, JR., MAYOR

PETITION TO VACATE STREET

TO: The City Plan Commission
City of Fort Wayne, Indiana

The Undersigned petitioner(s), do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following public street within the City of Fort Wayne, Indiana, and hereby described as follows:

Yale Drive - West of Stanford Avenue and East of North Highlands Blvd.

In support thereof, your petitioner(s) would represent as follows:

1. That they are the owners of the real estate abutting both sides of the street.
2. That the street is not necessary as ingress or egress to other properties whatsoever.
3. That said street is unopened and unimproved.
4. That no other person, firm, or corporation is interested in or affected by the requested vacation.
5. That the maintenance of said street is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioner(s) file this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioner(s) pray that the above described street be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 12th DAY OF August 19 85

2805 Stanford Ave.
Adjacent Property Owner(s) Address

Parhamit Hora, d.b.a.
Petitioner(s) Address
5405 LYNNBROOK ROAD
FT. WAYNE INDIANA
46825

Catherine J Barva
Adjacent Property Owner(s) Signature

Parhamit Hora, d.b.a.
Jamie B. Chastin, Pcs.
Petitioner(s) Signature

OFFICE OF: Stooody • Franke • Associates
Registered Land Surveyors
1042 Saint Joseph Boulevard
Fort Wayne, Indiana 46805
Phone: (219) 424-6733

Joseph B. Stooody, Jr.

No. S-0144

Bruce A. Franke

No. S-0467

The undersigned Land Surveyor, registered under the Laws of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below.

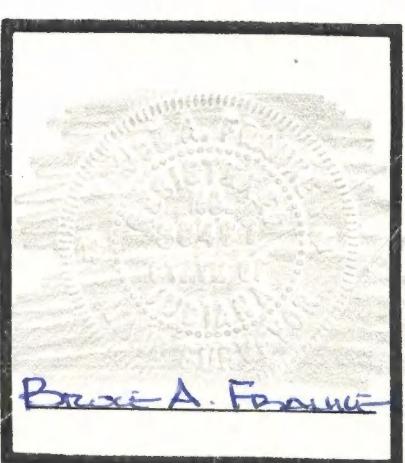
Measurements were made and monuments set in conformity with the records on file in the office of the Recorder of ALLEN County, Indiana and to the best of my knowledge accurately shown. Any encroachments or discrepancies are shown below.

Legal description of real estate.

LEGAL DESCRIPTION FOR RIGHT-OF-WAY VACATION:

Yale Drive lying west of the west right-of-way line of Stanford Avenue and between Lots #261 and #262 in Cambridge Hills Addition as recorded in Plat Book 13, page 61 in the office of the Recorder of Allen County, Indiana.

FOR: Jim Christie
JOB NO. 7969
DATE 8/15/85



RESOLUTION

WHEREAS, JAMES CHRISTIE AND CATHERINE L. BARVA have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of public street in Fort Wayne, Allen County, to-wit:

Yale Drive lying west of the west right-of-way line of Stanford Avenue between Lots #261 and #262 in Cambridge Hills Addition as recorded in Plat Book 13, page 61 in the Office of the Recorder of Allen County, Indiana,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 21, 1985, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said portion of public street.

WHEREAS, said vacation of the portion of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of public street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said portion of public street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

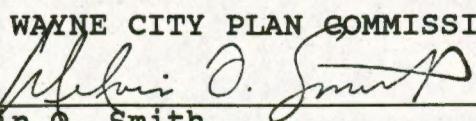
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said portion of public street in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held October 28, 1985 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 1 DAY OF November 1985

FORT WAYNE CITY PLAN COMMISSION



Melvin O. Smith
Secretary

10/31/85

RESOLUTION 75-121-6

WHEREAS, JAMES CHRISTIE and CATHERINE L. BARVA have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of public street situated in Fort Wayne, Allen County, to-wit:

Yale Drive lying west of the west right-of-way line of Stanford Avenue and between Lots #261 and #262 in Cambridge Hills Addition as recorded in Plat Book 13, page 61 in the Office of the Recorder of Allen County, Indiana,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of portion of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said portion of public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said portion of public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, David J. Kiester, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held October 31, 1985 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 31st DAY OF October 1985

FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester
David J. Kiester
Director of Public Works

Cosette R. Simon
Cosette R. Simon
Director of Administration & Finance

Lawrence D. Consalvos
Director of Public Safety

Admn. Appr.

Councilmanic District No. 3

DIGEST SHEET

ORIGINAL

ORIGINAL

TITLE OF ORDINANCE Street Vacation Ordinance

6-85-10-18

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Portion of Yale Drive

EFFECT OF PASSAGE Property is presently public right-of-way. Property will be vacated and revert to adjacent property owners for private use.

EFFECT OF NON-PASSAGE Property will remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

G-85-10-18

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON				
Street Vacation Ordinance						
DETAILS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Specific Location and/or Address Portion of Yale Drive between Stanford Drive & North Highlands Blvd. </td> <td style="width: 50%; vertical-align: top;"> POSITIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Sponsor City Plan Commission </td> <td style="width: 50%; vertical-align: top;"> RECOMMENDATIONS </td> </tr> </table> </td> </tr> </table>			Specific Location and/or Address Portion of Yale Drive between Stanford Drive & North Highlands Blvd.	POSITIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Sponsor City Plan Commission </td> <td style="width: 50%; vertical-align: top;"> RECOMMENDATIONS </td> </tr> </table>	Sponsor City Plan Commission	RECOMMENDATIONS
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Sponsor City Plan Commission	RECOMMENDATIONS					
Reason for Project This portion of Yale is undeveloped as a street and it would also allow a property owner adjacent to street to develop his lot.						
Discussion (Including relationship to other Council actions) <u>October 21, 1985 - Public Hearing</u> James Christie, petitioner, stated that he has owned a lot on Stanford Drive for approximately 5 years and has been unable to construct a home because of the current city code. This property sits on the corner of Yale & Stanford and causes a setback problem when it comes to new construction. He stated by vacating this portion of Yale Drive it would allow him to construct a home without the setback interfering. He stated that this portion of Yale is undeveloped and people have on occasion used it for dumping. He stated that of the three other adjacent property owners two have signed the petition in agreement and the other was unable to be reached. He stated however that when he had spoken with that property owner at an earlier time they were undecided about the vacation, not wanting anymore property to have to maintain. Ben Eisbart pointed out that the property owner in question had been notified of the proposed vacation and the public hearing and had not appeared in opposition.						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Opponents Groups or Individuals Basis of Opposition </td> <td style="width: 50%; vertical-align: top;"> Staff Recommendation <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against </td> </tr> </table>			Opponents Groups or Individuals Basis of Opposition	Staff Recommendation <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against		
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DETAILS

October 28, 1985 - Business Meeting

Of the eight member present 7 voted in favor
of a DO PASS recommendation 1 did not vote.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date August 16, 1985

Projected Completion or Occupancy

Date November 4, 1985

Fact Sheet Prepared by

Date November 1985

Patricia A. Biancaniello

Reviewed by



Date

Reference or Case Number

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 12085

FT. WAYNE, IND., August 16 1985

RECEIVED FROM Community Homes Inc. \$ 100.00
THE SUM OF One hundred dollars ¹⁰⁰ DOLLARS
ON ACCOUNT OF vacation of a portion of Yale Driv

John L. Baker
AUTHORIZED SIGNATURE

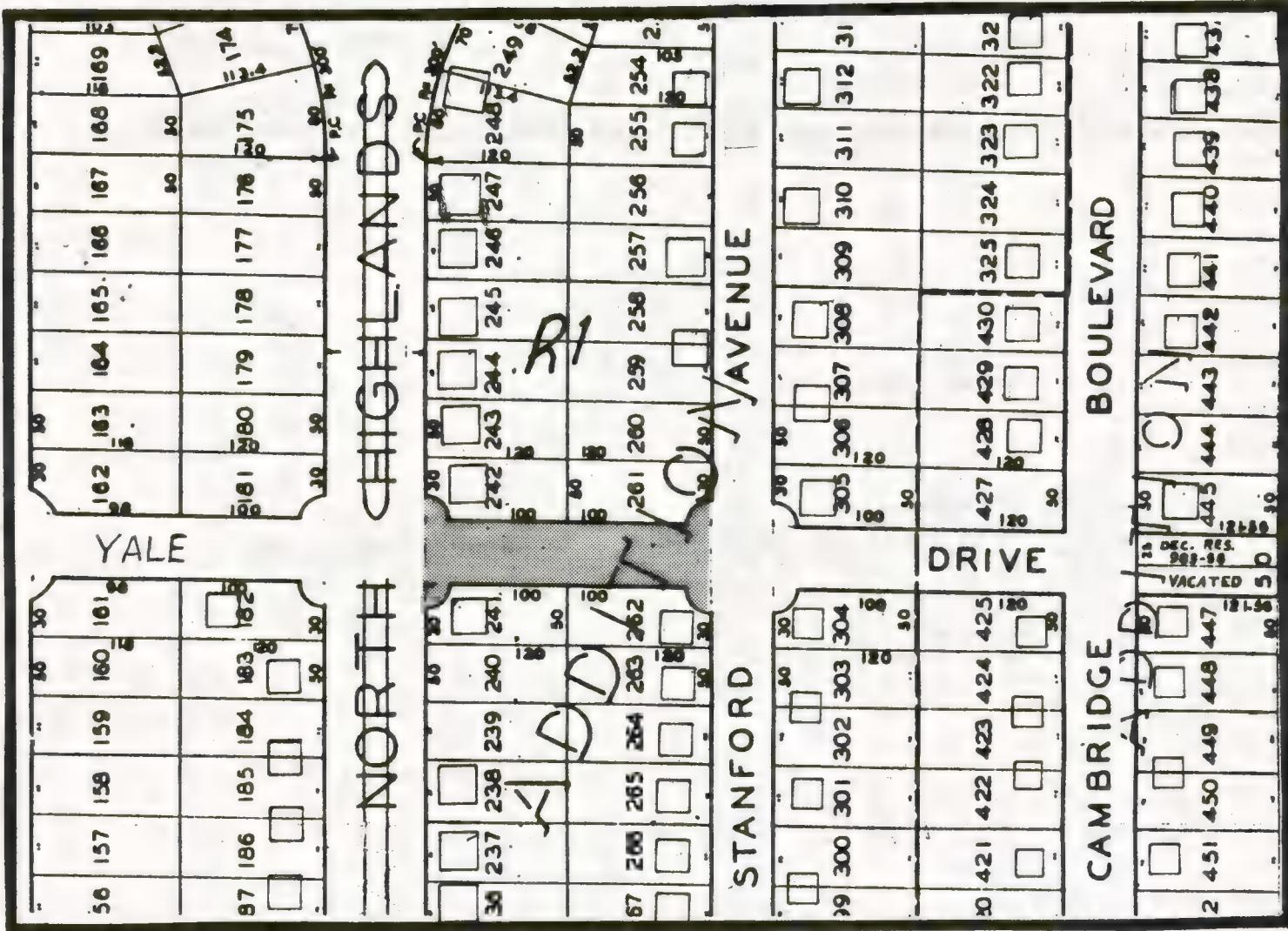
VACATION PETITION

154

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC STREET.

MAP NO. J-18

BILL NO. G-85-10-18
COUNCILMANIC DISTRICT NO. 3



Zoning:

RI RESIDENTIAL DISTRICT

Land Use:

SINGLE FAMILY

Scale: 1" = 165'

19

Date: 8-27-85



AGENT: Jim Christie / 5405 Lynnbrook Road / City 25

Lincoln Park Civic Assn.

Max High, Pres

2808 Stnaford Drive / 08

Area Residents:

James Johnson / 2800 North Highlands Bl / City 08

Imogene Wissler / 2808 North Highlands Bl / City 08

Mary Sheron / 2804 North Highlands Bl / 08

Sarah Sheets / 2822 North Highlands Bl / 08

William Bodine / 514 Greenlawn / City 08

NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, October 21, 1985 at 7:00 P.M. in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana on the proposed vacation of public right of way, more particularly described as follows.

Yale Drive lying west of the west right-of-way line of Stanford Avenue and between Lots #261 and #262 in Cambridge Hills Addition as recorded in Plat Book 13, page 61 in the Office of the Recorder of Allen County, Indiana

All interested persons are invited to appear and be heard.

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary



The City of Fort Wayne

November 5, 1985

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the date of November 9, 1985, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-85-07-21
Bill No. G-85-10-18

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,
Sandra E. Kennedy

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-85-10-18)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, November 26, 1985, at 7:00 P.M., Room 128, Common Council Conference Room, City-County Bldg., One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Yale Drive lying west of the west right-of-way line of Stanford Avenue and between Lots #261 and #262 in Cambridge Hills Addition as recorded in Plat Book 13, page 61 in the Office of the Recorder of Allen County, Indiana.

All interest persons are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

November 5, 1985

NOTICE OF PUBLIC HEARING ON BILL NO. G-85-10-18

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, November 26, 1985, at 7:00 P.M., Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Yale Drive lying west of the west right-of-way line of Stanford Avenue and between Lots #261 and #262 in Cambridge Hills Addition as recorded in Plat Book 13, page 61 in the Office of the Recorder of Allen County, Indiana.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To **JOURNAL-GAZETTE** Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM**LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines
of the type in which the body of the advertisement is set) - number of equivalent lines

Head	number of lines	3
Body	number of lines	13
Tail	number of lines	3
Total number of lines in notice		19

COMPUTATION OF CHARGES

19	lines, 1 columns wide equals 19 equivalent lines at .300¢	\$ 5.70
cents per line		
Additional charge for notices containing rule or tabular work (50 per cent of above amount)		
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00		
TOTAL AMOUNT OF CLAIM \$ 6.70		

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6	point
Number of insertions 1	Size of quad upon which type is cast 6	

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Larry Thompson

Title CLERK

Date **Nov. 9, 1985**

FORM #904**PUBLISHER'S AFFIDAVIT**

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned **Larry Thompson** who, being duly sworn, says that he/she is CLERK

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city town of **FORT WAYNE, INDIANA**

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time the dates of publication being as follows:

11/9/85

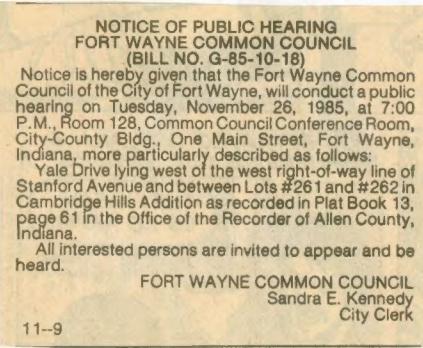
Larry Thompson

Subscribed and sworn to me before this 9th day of November 19 85

Anne M. Perkins

Anne M. Perkins Notary Public

My commission expires **November 29, 1985**



Fort Wayne Common Council
 (Governmental Unit)
Allen County, IN

To **NEW-SENTINEL** Dr.
 P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM**LINE COUNT**

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TOTAL AMOUNT OF CLAIM				\$ 6.70

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type	6	point
Number of insertions 1	Size of quad upon which type is cast	6	

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Larry Thompson

Date Nov. 9, 1985

Title CLERK

FORM #903**PUBLISHER'S AFFIDAVIT**

State of Indiana
 ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned *Larry Thompson* who, being duly sworn, says that he/she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published

in the English language in the city town of FORT WAYNE, INDIANA

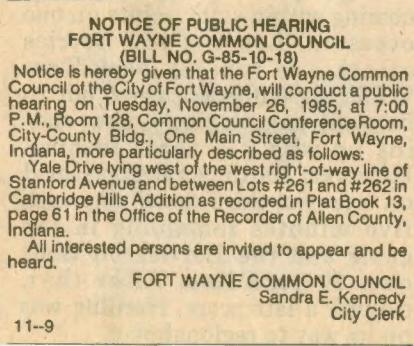
in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time the dates of publication being

as follows:

11/9/85

Subscribed and sworn to me before this 9th day of November 1985
Anne M. Perkins
 Anne M. Perkins Notary Public

November 29, 1985



BILL NO. G-85-10-18

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating
a portion of a street

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

NO

Charles S. Redd CHARLES B. REDD
CHAIRMAN

Janet G. Bradbury JANET G. BRADBURY
VICE CHAIROWMAN

J. Stier JAMES S. STIER

B. Eisbart BEN A. EISBART

D. Schmidt DONALD J. SCHMIDT

CONCURRED IN 11-26-85

SANDRA E. KENNEDY
CITY CLERK